

**BASELINE DOCUMENTATION REPORT
and
LAND MANAGEMENT PLAN**

**Massachusetts Executive Office of Energy and Environmental Affairs
Local Acquisitions for Natural Diversity (LAND) Grant Program**

Property name:

Municipality:

Date acquired:

Registry:

Book/page: book/page where the deed/CR is recorded

LAND #:

Date of report: when are you writing this

**Property
location:** street address

Size: acres

Interest held by city/town: interest the town bought with the LAND grant

Other interest holders: if someone else holds the fee/CR, list here

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Section I: Property Information

I.1. Property description

The property name property, located at street address, Assessors' map/lot _____, is ☐ owned by _____ / ☐ subject to a Conservation Restriction held by _____ the Town/City of _____, under care and control of the Conservation Commission, for the purposes of conservation and passive recreation, in perpetuity. It was recorded on _____ date recorded, in book _____ page _____ in the _____ Registry of Deeds.

I.2. Local Acquisitions for Natural Diversity (LAND) grant program regulations

This property is permanently protected open space, for conservation and passive recreation only. It is subject to the standards and guidelines in 301 CMR 5.00: Self-Help and Urban Self-Help Programs, of the Division of Conservation Services, Executive Office of Energy and Environmental Affairs (EEA). Excerpted here are some of the major points:

- 5.06(4): Under the care and control of the Town/City of _____ Conservation Commission
- 5.09(1): The property must be used at all times for open space conservation and passive recreation purposes only, in accordance with MGL Ch. 132A, Sec. 11
- 5.09(1): The property is permanently protected under Article 97 of the Massachusetts Constitution, and may not be converted to other uses. Municipalities must pursue all feasible alternatives to conversion of grant-funded land. If conversion is finally determined to be the only possible choice, *all* of the following must occur: municipal approval of the conversion; a two-thirds majority vote of both houses of the state legislature; replacement of the land with new conservation land that is of equal or greater fair market value at the time of conversion, and of equal or greater acreage, ecological value, and usefulness, to be approved or disapproved by the Secretary of EEA.
- 5.09(2): If this property ceases to be used in whole or in part for conservation and/or passive recreation purposes, all interest in the property shall revert to the Commonwealth, unless the Secretary demands specific performance of the grant contract. The Town/City of _____ Conservation Commission must notify the Secretary of EEA of a change or potential change to an inconsistent use, or, the Secretary of EEA may notify the Conservation Commission that an inconsistent change in use has occurred. The Conservation Commission has 90 days to rectify the use to the satisfaction of the Secretary, or it will revert to the Commonwealth.
- 5.08 (2) and (3): Open to use by all members of the public without discrimination
- 5.08(1): In accordance with the LAND program regulations, the Town/City of _____ Conservation Commission may impose reasonable limits on the type and extent of use of this area and facilities acquired, as necessary for maintenance or preservation.
- 5.06(1): Off-street parking may be required

- No private enterprise may occur on properties for which the fee simple or encumbered fee is owned by the municipality, except that which contributes to and does not conflict with appropriate public use and benefit.
- Structures are prohibited on properties for which the fee interest is owned by the municipality, except those that further conservation or public passive recreational use of the property.

I.3. Legal protection

Through receipt of funding through the LAND grant program, this property is permanently protected under Article 97 of the Constitution of the Commonwealth of Massachusetts.

- *Ch. 132A, §11 – Act establishing the Self-Help (now LAND) grant program*
- *Ch. 40, §8c – Authority of conservation commissions to hold land for conservation purposes*
- *Article 97 – Prohibits conversion of the property from conservation and recreational use*
- *LAND Project Agreement – Prohibits conversion of the property from conservation and recreational uses. Requires mitigation in the event of conversion. Requires appropriate public access. Recorded with deed.*
- *Additional legal protections -*

I.4. Contact Information

Provide contact information for property monitor or manager, landowner (if CR), and any other people or organizations involved in the property.

Name (organization)	Title (eg. property monitor)	Mailing address	Phone
	what interest they hold, or what they will be responsible for doing	permanent	permanent

I.5. Land Management Plan

If the municipality acquired a Conservation Restriction (CR) with the LAND grant, use the CR to help you fill out the Management Plan section below.

Purpose:

All LAND-funded properties must provide access to the general public for passive recreational activities. The specific subset of permissible passive activities varies from project to project and is described here.

Permitted public activities:

Note: These should be posted at the property entrance(s).

- | | |
|--|--|
| <input type="checkbox"/> walking, hiking | <input type="checkbox"/> camping |
| <input type="checkbox"/> Nordic skiing, snowshoeing | <input type="checkbox"/> hunting |
| <input type="checkbox"/> horseback riding | <input type="checkbox"/> fishing |
| <input type="checkbox"/> bicycle riding on designated trails | <input type="checkbox"/> gardening/agriculture |
| <input type="checkbox"/> picnicking | <input type="checkbox"/> swimming |
| <input type="checkbox"/> non-motorized watercraft | |
| <input type="checkbox"/> Other | |
| <input type="checkbox"/> Other | |
| <input type="checkbox"/> Other | |

Prohibited public activities:

Note: These should be posted at the property entrance(s).

- | | |
|--|--|
| <input checked="" type="checkbox"/> motorized vehicles | |
| <input type="checkbox"/> fires | <input type="checkbox"/> swimming |
| <input type="checkbox"/> horseback riding | <input type="checkbox"/> gardening/agriculture |
| <input type="checkbox"/> bicycle riding | <input type="checkbox"/> alcoholic beverages |
| <input type="checkbox"/> hunting | <input type="checkbox"/> entry after dark |
| <input type="checkbox"/> fishing | <input type="checkbox"/> collection of plants/animals/soil/rocks |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other |

Additional comments on use of this property:

Structures:

Structures that do not contribute to the conservation

Structure	Description	Intended use
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Known stewardship issues/potential problems:

Stewardship responsibilities:

Entity responsible for management:

Plans for managing known stewardship issues:

Plans for regular management:

Active forest or agricultural management plans:

Harvesting of sawtimber or other forest management should be conducted only in consultation with a licensed forester and preparation of a Forest Management Plan for long-term objectives.

Section II: **Maps**

II.1. Resource map

II.2. Monitoring map

Section III: **Site Visit Report**

III.1. General information

Date of inspection:

Time spent on property: hours

People present:

Name:

Affiliation:

III.2. Current property conditions

Note: This section may summarize some provisions of the CR or Management Plan. The entire CR document must be read in order to understand its terms.

A. Conditions of the property relevant to the purpose of this project:

Project purpose	Condition	Photo

B. Conditions of the property relevant to Permitted and Prohibited Uses:

Activity	Condition	Photo
Permitted		
Prohibited		

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C. Additional remarks regarding the present condition of the property:

III.3. Boundary Conditions

- A. Do the boundaries on the ground clearly correlate to the legal description found in the CR document or property deed (i.e. can you follow the boundary after reading the description)?
If not, how did you locate the property boundary?
- B. (If CR): Are portions of the property which are excluded from the Restriction marked or otherwise evident on the ground?
- C. Describe the condition of the boundary markings at all other points (i.e. stone wall, flagged, signed, unmarked):
- D. Describe the use of abutting properties, focusing on uses close to the boundary line:
- E. Any other comments on boundaries?

Section IV: **Photographs**

IV.1. Photo location map

The **photo location map** shows the location from which documentary photographs were taken.

Include:

- **Property boundary** (and CR boundary if applicable).
- **Photopoints** (location from which photos were taken). Each point should be placed as accurately as possible. Mark each point with:
 - An arrow showing the direction the photo was facing
 - A label (A,B,C or 1,2,3 etc.) so that the description can be looked up in the list of photos

IV.2. List of documentary photographs

Photographer(s):

[illegible]

IV.3. Documentary Photographs

Section V: **Amendments**

V. 1. How to amend this document

This property is permanently protected as open space for conservation and passive recreational use only. It is difficult to anticipate all potential changes to the property that may occur, due to natural events, that may make it more or less appropriate for specific activities or uses. It is also difficult to know in the present the specific passive recreational uses future visitors to the site may want. For these reasons, it may become necessary in the future for portions of the Land Management Plan to be revised. Property acquired with LAND grant funding may not be used for active recreation.

The following sections of this document may be revised:

I.4. Contact information

I.5. Land Management Plan sections:

Permitted uses/activities

Prohibited uses/activities

Structures

Stewardship plans

Active management plans

Any changes to these sections must still adhere to the LAND grant program regulations, Project Agreement, Article 97 requirements, and any other pertinent regulations. All changes must adhere to the terms of the Conservation Restriction, if applicable.

Procedure for amending this document:

Section VI:

Signatures

I certify that the above Baseline Documentation Report and Land Management Plan is accurate and complete.

I understand that this property is permanently protected open space under Article 97 of the Massachusetts Constitution, for conservation and passive recreation uses, under the care and control of the Conservation Commission. I understand that the property may not be sold, subdivided, altered, or used for any other purposes, except by all of the following: approval of the Conservation Commission; approval of the municipality by town meeting/city council vote; vote of approval by both houses of the Massachusetts State Legislature; approval by the Governor of Massachusetts; mitigation by replacement with an unprotected property of equal or greater size, value at the time of disposition, ecological value, and passive recreational value, subject to approval by the Secretary of Energy and Environmental Affairs. Any change in use must also adhere to all relevant environmental laws and regulations, including but not limited to the Massachusetts Environmental Protection Act and Endangered Species Protection Act, the Wetlands Protection Act, the Rivers Protection Act, and Global Warming Solutions Act.

_____	_____
Preparer	Print name
_____	_____
Municipal Chief Executive Officer	Print name
_____	_____
Conservation Commissioner	Print name
_____	_____
Conservation Commissioner	Print name
_____	_____
Conservation Commissioner	Print name
_____	_____
Conservation Commissioner	Print name
_____	_____
	Print name
_____	_____
	Print name

Date